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AGRICULTURE FOR US FOREST SERVICE

INTERIOR FOR US GEOLOGICAL SURVEY DR. JANE BELNAP

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SUBJECT: GOK EFFORT TO PRESERVE VITAL FOREST HITS POLITICAL
OBSTACLES

REF: NAIROBI 2220 AND PREVIOUS

Summary

¶1. The Kenyan government's (GOK) attempt to preserve and restore the environmentally and economically important Mau Forest Complex (the Mau Forest) by evicting legal and illegal settlers (reftel) has caused political problems within Prime Minister Raila Odinga's Orange Democratic Movement (ODM) party. ODM Members of Parliament from the Kipsigis community - which would be most affected by the evictions - have threatened to withdraw support for Odinga unless either the evictions are stopped or alternate land is provided to both legal and illegal settlers. Evictions planned for October have been delayed until a study group reports in January 2009 its recommendations on how to proceed. In the meantime, Odinga has rallied other ODM constituencies who have significant interests in restoring the Mau Forest watershed to support the evictions. We believe that Odinga is succeeding in isolating opponents of the evictions, and that the evictions will take place in return for an increased offer of alternative land. Odinga's patient and principled stand on the issue is commendable and will help protect Kenya's increasingly distressed water supply. End Summary.

The Mau Forest

¶2. The Mau Forest watershed comprises about 400,000 hectares beginning near Narok Town in Rift Valley Province and extending west toward the Lake Victoria region. Rivers flowing from the Mau Forest are part of the Nile basin, on which Tanzania, Uganda, Sudan, and Egypt depend. It is a significant water source for the Rift Valley and western Kenya, providing water for drinking and agricultural use for approximately 15 per cent of Kenya's population. Rivers flowing from the Mau Forest feed the Maasai Mara nature preserve, Kenya's most lucrative source of tourism revenue, as well as the Serengeti National Park in neighboring Tanzania. They also feed Lake Nakuru, another significant source of tourism revenue, and other major lakes in the Rift Valley as well as several power generation plants.

Land Policies Threaten Watershed

¶3. The Mau Forest was traditionally home to small hunter-gatherer communities, known collectively as the Ogiek. The Ogiek did not live in permanent settlements and their footprint on the Mau Forest was minimal. The current problems of the Mau Forest date to the 1990s, when the administration of former President Daniel Arap Moi converted large tracts of the Mau Forest Reserve land to farmland and allocated title to politicians as a reward for supporting the regime. The Moi-era conversion resulted in an influx of three types of settlers: a group who bought land from politicians who received it from Moi; a second group who bought additional plots which had been excised from the Mau Forest by corrupt land officials; and a third group of squatters who had no plausible claim to any land. The majority of settlers were ethnic Kipsigis, whose burgeoning population was stressing land in their native South Rift Valley. However, Kikuyu and Maasai also settled in the Mau Forest during this time.

¶4. In contrast to the traditional inhabitants, the new settlers cleared large tracts of the forest for agriculture and to make charcoal, a cheap and common fuel in Kenya. In addition, illegal logging became rampant. The GOK estimates that approximately 25 percent of the Mau Forest has been lost over the past 20 years. Precipitation levels have fallen with the loss of forest cover, with additional

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negative consequences.

¶5. The United Nations Environmental Program (UNEP) estimates that Kenya loses nearly \$300 million annually due to the degradation of the Mau and other forests. The livelihoods of thousands of people in the region, as well as the flora and fauna in ecosystems such as the Mara Conservancy are at risk. Reduced water flows from the Mau Forest have impacted a major electricity generation project at Sondu Miriu, allowing only one of two turbines to be put into service. If no action is taken to address falling water levels, the fate of two planned hydro-electric power projects is also at risk. Rivers flowing from the complex to Lake Nakuru and the Maasai Mara are drying up, putting the region's lucrative tourism industry at risk. The Kenya Wildlife Service estimates that Lake Nakuru may dry up in eight years if urgent measures to restore the watershed are not taken. Other lakes affected are Baringo, Bogoria, Natron and Turkana. Sudan and Egypt will also suffer from decreased water flowing from the Mau Forest.

Prior Attempt to Evict Fails

¶6. During President Kibaki's first term the Kenyan government (GOK) acknowledged the need to protect the Mau Forest. President Kibaki commissioned a report on illegal land allocations in 2004, which concluded that, although the transfers had followed legal procedure they were ill-informed. Based on this report, the government attempted to evict Mau Forest settlers in 2005. However, political pressure brought by the affected communities and protests by human rights groups due to the lack of alternate land allocations for those to be evicted forced the government to drop plans to evict settlers.

Odinga to the Rescue

¶7. Early Prime Minister Odinga recognized the importance of preserving and restoring the Mau Forest to Kenya's economic

and environmental wellbeing. In July, Odinga, along with John Michuki, the Minister for Environment and Natural Resources (Party of National Unity-PNU), and Noah Wekesa, the Minister of Forestry (PNU), convened a stakeholders' conference including representatives of various ministries, UNEP and environmental conservation organizations which concluded that the Mau Forest must be protected and restored. As a result of this forum, Odinga constituted a 21-member task force to relocate 1,960 people whose title deeds the government regarded as genuine. The task force would then work with local communities to demarcate and fence off the area from which that population was to be evicted. The evictions were to begin on October 30.

¶8. Odinga's support for evictions was opposed by a number of Kalenjin ODM Members of Parliament from Rift Valley Province. The most vocal opponents of the eviction are from the Kipsigis sub-clan of the Kalenjin, who constitute the majority of Mau Forest settlers. Kipsigis ODM MPs have demanded that the evictions either be stopped or that the government provide alternative land to both legal and illegal settlers. They have mobilized residents of the Mau Forest to resist attempts to evict them. Kipsigis leaders have also linked the evictions with lingering dissatisfaction on the number of Kipsigis included in the Cabinet. As a result, they have threatened to leave the ODM if their demands are not met. ODM leaders from other Kalenjin sub-clans have shown solidarity for the Kipsigis' stand, complicating matters further for Odinga.

¶9. With PNU-controlled ministries driving the evictions and opposition to the plan led by ODM politicians, the Prime Minister has been forced to take the lead in pushing the project through. Odinga's response has been to assuage Kipsigis leaders by delaying implementation of the

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evictions combined with the formation of a study group to determine how to best proceed. This group is expected to report its conclusions in January 2009. Odinga also worked to undercut support for the Kipsigis leaders, however. Minister for Lands James Orengo (ODM) impugned the motives of the Kipsigis leadership, stating that several had benefited from the Moi-era land allocation and then sold on their parcels to those now facing eviction.

¶10. Odinga has rallied the Maasai community to speak out in favor of the evictions. (Note: The Maasai-dominated Narok County administers the area surrounding the Mau Forest. Its main income generator, the Maasai Mara nature reserve, is threatened by the degradation of the Mau Forest. End Note.) In November, the influential Minister of Cultural Affairs and National Heritage, William Ole Ntimama (ODM), criticized the Kipsigis (and other Kalenjin leaders who have been railing against Odinga on this and other issues) as shortsighted and selfish.

¶11. Ntimama's criticism was followed by a proxy battle between the Narok County Council, which is controlled by allies of Ntimama, and the Kipsigis County Council which is controlled by allies of the leader of the Kipsigis ODM MPs, Julius Kones. In mid-November, the Narok County Council threatened to evict squatters from the land if the GOK failed to take action. The Kipsigis County Council issued a statement calling Narok County's threat an incitement to tribal clashes in the area. In late November, Odinga convened a meeting of ODM leaders to discuss the Mau Forest evictions and a range of other issues in which the Kalenjin (and others) were resisting Odinga's leadership. After Odinga's meeting, the Kipsigis leaders toned down their rhetoric and have shown a willingness to go along with evictions if the government offers alternate land to both legal and illegal settlers.

Comment

¶12. The economic and environmental facts present a strong argument for action to preserve the Mau Forest. Odinga's steady support for preservation and restoration of the Mau Forest appears, to his credit, to be motivated by a genuine desire to do what is best for Kenya, despite the possible political cost to him and his party. By effectively isolating opponents of the evictions, Odinga is demonstrating, once again, his political and strategic skills. We are optimistic that evictions will take place in 2009. Post will continue to follow the issue closely, both as an indicator of Odinga's leadership as well as a test case for how the government deals with sensitive land issues. End Comment.

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